

**IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA**

STAMBAUGH'S AIR SERVICE, INC.,	:	
Plaintiff,	:	CASE NO. 1:CV-00-0660
v.	:	
	:	
SUSQUEHANNA AREA REGIONAL	:	Chief Judge Yvette Kane
AIRPORT AUTHORITY, BAA	:	
HARRISBURG, INC., DAVID FLEET,	:	Magistrate Judge Smyser
individually, DAVID HOLDSWORTH,	:	
individually, and DAVID C. McINTOSH,	:	
individually,	:	
Defendants.	:	

**MOTION FOR EXTENSION OF FACT DISCOVERY
AND DISPOSITIVE MOTIONS DEADLINES**

NOW COME Defendants, the Susquehanna Area Regional Airport Authority, BAA Harrisburg, Inc., David Fleet, David Holdsworth, and David C. McIntosh, by and through counsel, Rhoads & Sinon LLP, and file the within Motion for Extension of Fact Discovery and Dispositive Motions Deadlines, in support whereof Defendants aver as follows:

1. On April 2, 2006, this Honorable Court issued an Amended Case Management Order setting a fact-discovery deadline of June 30, 2007.
2. The Amended Case Management Order indicates that extensions of the discovery period will be granted only for good cause, which is described as

“when new circumstances have occurred that could not reasonably have been anticipated and that are of an extraordinary nature.”

3. Subsequent to the issuance of the Amended Case Management Order, a growth was found on Defendant McIntosh’s kidney.

4. Defendant McIntosh had kidney surgery on May 30, 2007 to remove part of his kidney and test the growth for malignancy.

5. As of June 7, 2007, Defendant McIntosh was unable to adequately participate in the defense of the case because he is still recuperating from surgery. He had to cut a 20-30 minute phone call short because he did not have the strength to continue the conversation.

6. None of the parties have been deposed in this case, and Defendant McIntosh wants to attend all of the depositions, as is his right to do so as a party.

7. Currently, the deposition schedule agreed upon by the parties is as follows: Defendant Fleet is scheduled for June 14; all of Plaintiff’s witnesses are scheduled to be deposed the third week of June; and Defendants Holdsworth and McIntosh are scheduled to be deposed the fourth week of June.

8. Defendant McIntosh is certain that he cannot attend Defendant Fleet’s deposition on June 14, which wants and has a right to do as a named party.

9. Moreover, Defendant McIntosh does not presently know whether he will be able to attend any of the depositions of Plaintiff's witnesses during the third week of June, or even whether he will have fully recovered from his surgery to be deposed the last week in June.

10. Defendant McIntosh feels fairly certain will be well enough to participate in depositions during the month of July.

11. Accordingly, Defendants are requesting a 30-day extension of the fact-discovery deadline, and, as a result, also an extension to the dispositive motions deadline.¹

12. Defendants are not seeking an extension of any other deadlines in the case, and Defendants do not believe that the requested extension should affect the date for trial (currently, December 2007).

¹ The deadline for filing dispositive motions is currently June 30, 2007, the same day as the fact discovery deadline. Extending the fact discovery deadline will, of course, make it impossible for the parties to file dispositive motions by said date. Moreover, in the event that all discovery is not actually completed until the date that fact discovery ends, Defendants have included an extra week (until August 7, 2007) for submitting dispositive motions and briefs to the Proposed Order.

WHEREFORE, Defendants respectfully request that this Honorable Court grant the above Motion for Extension of Fact Discovery and Dispositive Motions Deadlines, as set forth in the attached proposed Order.

Respectfully submitted,
RHOADS & SINON LLP

By: /s/ Heather Z. Kelly
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CERTIFICATION OF CONCURRENCE

The undersigned hereby certifies that she has conferred with counsel for Plaintiff regarding the filing of the foregoing Motion for Extension of Fact Discovery and Dispositive Motions Deadlines and Plaintiff's counsel CONCURS.

/s/ Heather Z. Kelly

Heather Z. Kelly

CERTIFICATE OF SERVICE

I hereby certify that on this 8th day of June, 2007, a true and correct copy of the foregoing document was served by electronic means upon the following:

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/s/ Heather Z. Kelly
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